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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,325	09/16/1999	GENE W. ARANT	0147	8607

33306 7590 10/03/2007
GENE W. ARANT
P.O. BOX 269
LINCOLN CITY, OR 97367-0269

EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/397,325	Applicant(s) ARANT, GENE W.	
	Examiner CESAR B. PAULA	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-23 is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on 8/7/2007.

This action is made Final.

2. In the amendment, claims 33-34 have been canceled. Claims 17-23, and 32 are pending in the case. Claims 17, and 32 are independent claims.

Specification

3. The disclosure remains objected to because of the following informalities: The specification includes an unsigned report (pages 7-9), which comprises hear say evidence, and not information on how to make and use the Applicant's invention. The report should be deleted from the specification, and submitted as 37 CFR 1.132 affidavit (see MPEP 716), if so desired.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 32 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Durrani et al, hereinafter Durrani (Pat. # 6,011,542, 1/4/2000, filed on 2/13/1998), in view of Sun (Pat. # 5,646,821, 7/8/1997).

Regarding independent claim 32, Durrani discloses the selection of particular characters, such as “du”, “dive”, etc., by rotating a text wheel to a middle location on the screen, and to select individual characters displayed at a location, such as a lower left hand corner (fig.3) — *transfer location--*, of the sequence of textual characters and display of these textual characters into a bordered section of the screen after the user has rotated the wheel to the middle location and selected the character the user deems correct (col. 1, line 52-col2, line 52, col.3, lines 24-67, fig.2-3, fig.6). In other words the characters displayed on the screen, such as “du” are selected, and as a result individually inputting, and transferring those characters into a graphical box to create a desired word or text— *electronically advancing a sequence of information elements at a controlled speed into a known transfer location while visibly displaying each of them there during a dwell time to permit the operator to decide whether to select it for manually directed copying into an output sequence.*

Furthermore, Durrani fails to explicitly disclose: *after a plurality of the elements have been thus displayed at the transfer location, manually adjusting the speed of the further advance of the information elements and hence the dwell time; after that adjustment, again advancing the sequence through the same transfer location so as to visibly display additional information elements during a thus-adjusted dwell time in order to make each of them available to be manually selected for copying.* However, Sun discloses a user changes the speed of a trackball,

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thereby changing the input data speed -- *manually adjusting the speed of the further advance of the information elements and hence the dwell time* —(col.3, lines 17-22). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Durrani, and Sun and have rotated the characters in the wheel through the transfer location using the new speed, because Sun teaches above increasing the speed of the trackball. This provides the benefit of increasing the speed with which the wheel is rotated, and the characters are selected at the transfer point, thus saving time to input the desired characters.

Allowable Subject Matter

6. Claims 17-23 are allowed.

Response to Arguments

7. Applicant's arguments filed 7/12/2007 have been fully considered but they are not persuasive. Applicant submits that the crucial claim language as found in claim 32 is: the display of characters at a known transfer location while visibly displaying each of them there, manually adjusting the dwell time, and after adjustment through the same transfer location (page 5). However, Durrani teaches using a predetermined fixed transfer location, and moving the fixed wheel around it to select characters (fig.2-3). After the wheel is turned, the user stops it for a period of time—dwell—in order to selected a character. Sun discloses allowing a user to change the speed of a trackball, in order to alter the input data speed -- *manually adjusting the speed of*

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the further advance of the information elements and hence the dwell time —(col.3, lines 17-22).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Durrani and have rotated the characters in the wheel through the transfer location using the new speed, and Sun, because Sun teaches above increasing the speed of the trackball. This provides the benefit of increasing the speed with which the wheel is rotated, and the characters are selected at the transfer point, thus saving time to input the desired characters.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson et al. (Pat. #US 5943039 A).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Or faxed to:

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- (571)-273-8300 (for **all** Formal communications intended for entry)

A handwritten signature in black ink, appearing to read "Cesar Paula", written in a cursive style.

CESAR PAULA
PRIMARY EXAMINER

9/28/2007